



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

COPY MAILED

FEB 22 2008

OFFICE OF PETITIONS

In re Application of
James H. Hogg, et. al.
Application No. 10/706,684
Filed: November 12, 2003
Attorney Docket No. MS1-1715US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 15, 2007, to revive the above-identified application.


The application became abandoned for failure to respond to the non-final Office action mailed October 18, 2006¹. A Notice of Abandonment was mailed on May 11, 2007.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2193 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

¹ Petitioner believes that a response to the Office action mailed October 18, 2006 was submitted on January 18, 2007. However, a review of the record show that an Information Disclosure Statement was filed on January 18, 2007 and not a response to the Office action.